

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JESS RICHARD SMITH,

Petitioner,

v.

MELISSA ANDREWJESKI,

Respondent.

No. 2:23-CV-00501-DGE

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, after *de novo* review of the record, has reviewed the Report and Recommendation (“R&R”) of Magistrate Judge David W. Christel, and objections, if any, to the R&R.


The R&R succinctly identifies the defect in Petitioner’s habeas petition: it only challenges the state court’s post-conviction procedural decision and otherwise fails to allege that Petitioner’s detention violates the constitution, or federal laws or treaties. (*See* Dkt. No. 8 at 2.) Defendants’ objections do not call into question the R&R’s analysis or conclusions. It appears Petitioner’s objections, and the exhibits Petitioner submits in support of his objections, confirm Petitioner takes issue with the state court’s procedural decision to dismiss his state court post-conviction proceedings. Petitioner’s objections do not indicate how his detention violates the constitution, or federal laws or treaties. (*See generally* Dkt. Nos. 9; 9-2.)

1 Accordingly, the Court does hereby find and ORDER:

- 2 (1) The Court ADOPTS the Report and Recommendation. (Dkt. No. 8.)
- 3 (2) Petitioner's federal habeas petition is DISMISSED and all pending motions are
- 4 DENIED.
- 5 (3) A certificate of appealability is DENIED in this case.

6 **DATED** this 30th day of August, 2023.

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10 David G. Estudillo

11 United States District Judge

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